



Patent
Attorney's Docket No. 021238-513

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of) **MAIL STOP AF**
Walter A. Nichols et al.)
Application No.: 10/078,536) Group Art Unit: 1731
Filed: February 21, 2002) Examiner: D. A. Walls
For: CIGARETTE HAVING REDUCED) Confirmation No.: 4135
SIDESTREAM SMOKE)
)
)

RESPONSE TO FINAL REJECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated April 13, 2004, please amend the above-identified patent application as follows:

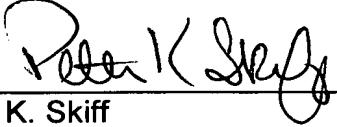
The only issue raised in the Official Action is the rejection of Claims 26-40 and 43-55 under the judicially created doctrine of obviousness-type double patenting over Claims 1-51 of U.S. Patent No. 6,367,481 in view of U.S. Patent No. 4,784,164. Although Applicants do not acquiesce in this ground of rejection, for purposes of expediting prosecution of the present application, submitted herewith is a Terminal Disclaimer and Statement Under 37 CFR §3.73(b).

In view of the foregoing, it is submitted that the present application is in condition for allowance and such action is earnestly solicited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: June 30, 2004

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